IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

TUESDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND SEVEN.

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WRIT PETITION No. 23506 of 2007

Between:

Sadev Yadav & Ors. **... Petitioners**

Versus

The Deputy Commissioner,
Endowments Department,
Boggulakunta, Hyderabad & Ors. **... Respondents**

Counsel for the Petitioner: SRI P. GANGARAMI REDDY

Counsel for the Respondents: GP for Endowments
GP for Revenue
Sri Ch. Satish Kumar
Sri N.Sridhar Reddy

THE HON'BLE SRI JUSTICE P.S. NARAYANA

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WRIT PETITION No. 23506 of 2007

O R D E R :

This Court ordered notice before admission on 06-11-2007 and granted interim stay for a limited period, which was subsequently extended for further limited period.

2. Sri Satish Kumar representing Respondent No.2 filed counter-affidavit.

3. Heard the counsel on record.

4. The learned Assistant Government Pleader for Endowments and Sri N.Sridhar Reddy, the learned counsel representing Respondent No.4-implead applicant.

5. Sri P.Ganga Rami Reddy, the learned counsel representing the writ petitioners would submit that when the appeals are pending before the third respondent, the first respondent initiating action against the petitioners under section 83 (2) of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowment Act, 1987 cannot be sustained.

In the counter-affidavit filed by the respondents several averments were made.

This Court is not inclined to go into the merits and demerits of

the respective contentions of the parties.

6. The writ petition is filed for a writ of mandamus, declaring the act of the first respondent initiating action against the petitioners under section 83 (20 of the AP Endowments Act during the pendency of appeal pending before the third respondent against the orders of occupancy rights certificate issued in favour of second respondent as illegal, arbitrary and without jurisdiction and consequently to direct the first respondent not to proceed further with an enquiry in OA.No.82 to 114/2007 till the disposal of the appeals pending before the third respondent and further to direct the third respondent to dispose of the appeal nos. F2/IA23/07 and F2/IA26/07 filed by the petitioners and to pass such other suitable orders as this Court may deems fit and proper in the circumstances of the case.

7. It is stated that the appeals filed by the writ petitioners are pending before the Joint Collector, Mahbubnagar, the third respondent herein and till the disposal of the appeals if any further action is initiated by the first respondent against the petitioners under the provisions of the Act referred to supra, the rights of the petitioners would be prejudiced. In-as-much-as, it is stated that the appeals are said to be pending on the file of third respondent, let the third respondent dispose of the said appeals, within a period of four

weeks, from the date of receipt of a copy of this order and till the disposal of the said appeals, let the respondents maintain *statusquo* obtaining as on today.

8. The writ petition is disposed of at the stage of admission. No costs.

JUSTICE P . S .
NARAYANA .
04/12/2007.

NB: Furnish CC of the Order tomorrow.
B/o. IsL